



Appeal Decision

Site visit made on 10 February 2026

by **K Williams MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 April 2026

Appeal Ref: APP/A4520/C/24/3357742

Land at 2- 4 Stoddart Street, South Shields NE34 0JT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Cardtronics UK LTD against an enforcement notice issued by South Tyneside Council.
 - The notice was issued on 2 December 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the operational development consisting of the installation of an automated teller machine (ATM) in the western elevation of Boldon Lane News 2-4 Stoddart St, South Shields NE34 0JT.
 - The requirements of the notice are to: 1. Permanently remove the automated teller machine from the western elevation of the building and the Land and re-instate glazing to that part of the elevation currently occupied by the automated teller machine which matches in terms of colour and transparency with the glazing to the remainder of that part of the shopfront to the western elevation of the building.
 - The period for compliance with the requirements is: 8 weeks from the date on which this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice ("the EN") is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the operational development consisting of the installation of an Automated Teller Machine (ATM) in the western elevation of 2-4 Stoddart St, South Shields NE34 0JT as shown on the plan attached to the EN.

Preliminary Matter

2. The emerging South Tyneside Local Plan (STLP) was submitted for examination in March 2025 and is now at a relatively advanced stage. However, the Council has advised that Policy 47 (Design Principles) remains subject to outstanding objections and therefore can only be given limited weight. I have referred to the emerging policy where relevant in my decision.

Appeal on Ground (a) and the Deemed Planning Permission

3. An appeal on ground (a) is that planning permission should be granted for the matter alleged. The **main issues** are: the effect of the development on: (i) public safety, with particular regard to crime and the fear of crime; and (ii) the living conditions of neighbouring residents, with regard to noise and disturbance.

Reasons

Public safety

4. The appeal site occupies a prominent end-of-terrace, two-storey building at the junction of Stoddart Street and Boldon Lane (B1302). The ground floor operates as an established convenience store known as Boldon Lane News, within a commercial cluster. It lies within the designated District Shopping Centre. The development comprises the retention of an ATM in the western elevation facing Boldon Lane. The unit is flush-fitted, replacing a section of glazing, and functions as an ancillary element to the primary retail use. The surrounding context is urban and mixed-use, with high levels of pedestrian and vehicular activity. The shopfront occupies an exposed corner with clear sightlines along both street frontages and lacks any materially recessed areas around the ATM.
5. The Council's concerns stem from the potential for users of the ATM to become victims of crime. Paragraph 96(b) of the National Planning Policy Framework ("the Framework") seeks to ensure that places are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Measures such as CCTV may reduce user vulnerability in this respect. The appellant refers to a camera within the shop; however, during my site visit I observed that this was obscured by window film.
6. The Council contends that offenders may use clothing designed to obscure their appearance, suggesting that further camera provision would offer limited additional deterrent. Nevertheless, regular vehicular movements and steady pedestrian activity associated with nearby commercial premises, including the Lidl supermarket and car park opposite the ATM, as well as the busy pedestrian crossing, provide a persistent source of passive surveillance during the day.
7. During my site visit, another ATM was observed nearby on Straker Street, positioned closely between two doorways. A betting establishment is also located opposite Boldon Lane News, also on the corner of Stoddart Street. Both premises involve cash-handling activity. As with the appeal ATM, there is no indication that the operation of either has resulted in planning harm or crime-related issues.
8. I acknowledge that an ATM may present a degree of crime risk due to the handling of cash. However, no consultation response from a Designing Out Crime Officer has been submitted to substantiate the Council's concerns. No evidence has been provided to demonstrate that the locality is particularly vulnerable to ATM-related crime or anti-social behaviour, notwithstanding that the appeal ATM has already been in situ.
9. ATM use typically occurs during daytime and evening periods when surrounding commercial premises are open. While natural surveillance may reduce late at night, the area contains a high density of residential properties and includes late-opening facilities, such as the Lidl supermarket, which operates until 22:00 six days per week, alongside other takeaway and drinking establishments. It is therefore likely that a background level of activity and vehicular movements are present throughout much of the day and into the later evening.
10. I do not consider the presence of an ATM at this location to inherently heighten crime risk. The installation is a modest and well-integrated addition to the existing commercial frontage. There is extensive passive surveillance of the store, its

surroundings, and the adjacent highway. The ATM and its users are highly visible, as would be anyone attempting to loiter or conceal themselves nearby. In my view, this would deter both opportunistic and planned criminal activity. Furthermore, those using the ATM are likely to be cautious when withdrawing cash and aware of their surroundings.

11. I conclude that it has not been demonstrated that the development has a harmful effect on public safety, with particular regard to crime and the fear of crime. It therefore does not conflict with Framework paragraphs 96(b), 131, 135(f) and 139, which together seek to ensure the creation of high-quality places that are safe and accessible, where effective design and active use prevent crime, disorder and the fear of crime from undermining community cohesion and quality of life, and where poorly designed development should be refused.
12. Notwithstanding the limited weight attributable to emerging Policy 47 of the South Tyneside Local Plan, the proposal does not conflict with its requirement for development to demonstrate a clear understanding of local context, integrate appropriately with the existing built form, and contribute positively to the character and identity of the surrounding area.

Living conditions

13. The residential doorway and steps serving 47 Boldon Lane are positioned directly onto the footway and relatively close to the ATM. The Council's concern is that ATM users may occasionally queue close to the entrance, which could be intimidating or give rise to noise and disturbance, particularly at unsocial hours. However, ATMs attract individual users and are not places where people typically congregate in groups. Their use involves private transactions and is ordinarily brief and discreet.
14. The Council relies on the appeal decision at 3 Station Terrace¹. In that case, the Inspector did not identify noise or general disturbance as the determinative issue. The Inspector accepted that the ATM was unlikely to generate significant levels of noise or activity and that comings and goings would not, in themselves, cause direct disturbance to the occupiers of the upper-floor flat. Noise and disturbance were therefore not the primary basis for dismissal.
15. Instead, the Inspector's concern at Station Terrace arose from a very specific spatial relationship within a comparatively quiet location. Harm was identified because ATM users would have stood immediately adjacent to the sole entrance to the flat, creating unavoidable and intrusive proximity. The Inspector concluded that, in those particular circumstances, even limited use could create an intimidating environment. That conclusion was heavily dependent on both the tight physical arrangement and background level of activity.
16. Although the ATM at Stoddart Street is also positioned close to a residential entrance, the relationship must be assessed in its actual context. The appeal site forms part of a street where regular pedestrian movement already occurs as a result of surrounding commercial uses and the nature of narrow urban pavements. The residential entrance already experiences people passing in close proximity as part of day-to-day activity. The presence of ATM users does not therefore introduce a new or significantly different pattern of behaviour.

¹ Appeal Ref: APP/A4520/W/16/3166031

17. It is accepted that a small queue may occasionally form. Given the narrow pavement, some users may briefly stand near the entrance to No. 47. However, use of the ATM is inherently short in duration, and there is also space on the opposite side of the machine, set slightly further from the carriageway, where users could reasonably wait. The evidence indicates that any queuing would be infrequent and transient rather than regular or sustained. The provision of another nearby ATM, could reduced the need to queue here.
18. Taking all matters together and having regard to the site's location within a designated District Shopping Centre where higher levels of pedestrian, commercial and vehicular activity are expected, I am not persuaded that the proposal results in material obstruction or unacceptable harm to residential living conditions. Importantly, concerns relating to noise and disturbance are not supported by any objection from the Council's Environmental Health officers.
19. In my judgement, the proposal does not result in an intimidating or unacceptable environment, nor does it harm the living conditions of the occupiers of No. 47 with regard to noise and disturbance. The development therefore accords with Policy DM1(B) of the South Tyneside Local Development Framework, Development Management Policies document (December 2011), which seeks to ensure development is acceptable in relation to impacts on residential amenity. It also accords with Framework paragraphs 131, 135(f) and 139, which collectively seek to secure high standards of amenity for existing and future users.

Other matters

20. As noted above, the general character of the area includes regular pedestrian movement associated with nearby commercial uses. Littering is therefore not unusual in such busy environments. The presence of gum and litter was noticeable along the small row of shops where Boldon Lane News is located. However, it did not appear to be particularly concentrated around the ATM. A litter bin was also observed on Stoddart Street and another opposite the appeal site by the pedestrian crossing, both of which are conveniently located for ATM users. While effects on property values have also been raised, these are private matters. Overall these concerns do not alter my decision.

Conditions

21. The Council has not suggested any conditions should I be minded to allow the appeal. I consider the appearance acceptable. Consequently, I do not seek to impose any conditions.

Conclusion

22. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the EN. The EN will be quashed.

K Williams

INSPECTOR